REMARKS

Claims 16-18 and 20-30 were pending in this application. Independent claim 16 has been amended to incorporate the limitations of claims 23 and 24. Independent claim 25 has been amended to incorporate the limitations of claim 26. Therefore, claims 23-24 and 26 have been cancelled. The dependency of claim 27 has been amended in view of the cancellation of claim 26. No claims have been added. Accordingly, no new subject matter has been introduced by this amendment. Claims 16-18, 20-22, 25, and 27-30 remain in this application.

35 U.S.C. §103 Rejections

Claims 16-18 and 25-27 stand rejected under 35 U.S.C. § 103(a) for obviousness by WO 97/40624 to Ely (hereinafter "the Ely publication") in view of U.S. Pat. App. Pub. No. 2004/0101166 to Williams et al (hereinafter "the Williams publication"). Claims 20-24 and 28-30 stand rejected for obviousness by the Ely publication in view of the Williams publication and further in view of U.S. Patent No. 6,611,206 to Eshelman et al. (hereinafter "the Eshelman patent").

Applicant has amended independent claim 16 to incorporate the limitations of claims 23 and 24 that have been rejected based on the Eshelman patent in view of the Ely and Williams publications. Specifically, the Examiner points to column 6, lines 1-11 and column 11, lines 26-30 of the Eshelman patent as disclosing the limitations of claims 23 and 24. Claims 23 and 24 detail the requirement of a detection means for use with the system for processing visual information, wherein the detection means is configured to *observe behavior of the operator of the system*. With respect to the Examiner's citations, column 6, lines 1-11 (in the context of column 5, lines 36-67) relate to a remote observer operating a system having a "classifier" component that is configured to recognize "the emotional status and health of the *monitored person* by facial expression, physiognomy, body habitus, behavior, etc. from data in a video signal" (emphasis added). Thus, the "operator of the system" (as set forth in claim 16) could be equated to the "remote observer" or the "classifier" component, however, there is no disclosure in the Eshelman patent of either of these entities being observed. As clearly set forth in the cited sections, it is the monitored person who is monitored. As discussed in the Summary of the Invention of the Eshelman patent, the system

monitors "an independent person, yet one requiring some supervision, such as an elderly person living alone at home. The system monitors a variety of independent signals and combines them to recognize subtle cues that may indicate there will be a need for intervention by a supervisor." In no way is the monitored person an operator of any system, as is required by the claims. Furthermore, the "occupants" referred to in column 11, lines 26-30 are the aforementioned monitored persons for whom data is being collected to employ facial recognition in order to identify different monitored persons. Accordingly, the Eshelman patent fails to disclose, among other things, the limitations of claims 23 and 24.

Applicant has amended independent claim 25 to incorporate the limitations of claims 26. The Examiner rejects claims 26 on the same basis as set forth for the rejection of claim 17. However, claim 26 requires that "information selected by the operator is stored in relation to a *selection behavior* applied for this purpose by the operator" (emphasis added), which is not recited in claim 17.
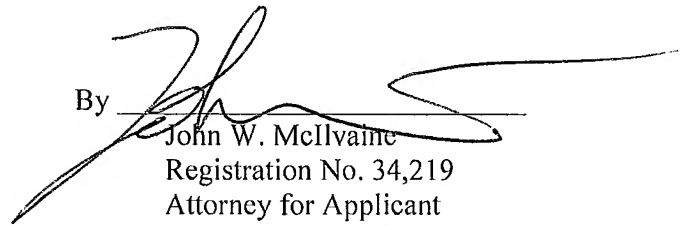
CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 16-18, 20-22, 25, and 27-30 are respectfully requested.

Respectfully submitted,

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